

Camden County Board of Commissioners

**Work Session
January 29, 2007
7:00 P.M.
Historic Courtroom
Camden, North Carolina**

MINUTES

A work session of the Camden County Board of Commissioners was held on Monday, January 29, 2007 at 7:00 p.m. in the Historic Courthouse, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings
Vice Chairman Philip Faison
Commissioners Melvin J. Jeralds, Carolyn O. Riggs, and Mike Andrews

Also attending was County Manager Randell Woodruff, Deputy Clerk to the Board Lori Tuss, and Attorney Courtney Hull.

The purpose of the work session was to discuss drainage issues in subdivisions and growth related issues in the county.

Chairman Jeffrey Jennings called the meeting to order.

Subdivision Drainage Requirements

Planning Director Dan Porter stated that in recent weeks the Planning Department has received several requests for permission to fill in front yard ditches by installing perforated drainage pipes and landscaping over the top. In other (most) cases the property owner completes the project without inquiring as to what permissions are required. In either case, if this type of “improvement” is undertaken in a subdivision that has an approved storm water permit, the property owner is in violation of multiple regulations.

It is first a violation of the Division of Water Quality Storm Water Permit that specifically states piping drainage ditches is prohibited without an approved modification to the permit. It is also a violation of the Department of Transportation approval that is based on specific grades and culverts certified on the official plat by the subdivision’s owner and engineer. By reference it is a violation of the County’s plat approval that is based on the forgoing state approvals.

Enforcement of these regulations is difficult. While adherence to the State’s permit is a DWQ enforcement responsibility, they do not have adequate staff, and do not investigate and cite violators. NCDOT is somewhat stricter in that they can withhold acceptance of the roads to be state maintained if the roads and ditches are not constructed as shown on approved plans. However, if the roads have already been accepted they have no recourse. The Planning Department’s policy is to notify anyone requesting permission that it is a violation unless the State Division of Water Quality issues a modification to the original permit. In past cases where no permission is requested, and the “improvement” is completed undetected, the Department has taken no action. Nor have we issued a stop work order when we see a project under construction.

As this practice continues in a subdivision it results in 1) impeding the flow of surface water, thus potentially causing flooding of upstream properties, and 2) degradation of water quality due to less on site natural filtering of storm water.

In the future the Planning Department will continue and proactively inform property owners that their action is a violation without a permit modification. In addition when we identify violations we plan to send a notice of violation to the subdivision developer or home owners association, with a copy to the State Division of Water Quality. If the

activity is taking place on a vacant lot or while a house is under construction the department will withhold building permits or certificates of occupancy.

The question then is what enforcement should take place for existing violations. The options are to 1) require removal of the piping; 2) cite the owner for a civil violation with fines; 3) use the maintenance bond (if still valid) to remove the piping; or 4) do nothing other than inform the state.

It should be noted that individual properties outside subdivisions, that do not require a Storm Water Permit, are not subject to this violation.

Duane Hinson, RC&D, gave a Power Point presentation regarding drainage and explained that flood preparation will not alleviate flooding, but proper planning can prevent the houses themselves from flooding. Mr. Hinson further stated that the use of culverts and ditch systems is very instrumental in diverting flood waters from homes.

Mark Powell, RC&D, provided the Commissioners with a copy of the Albemarle Pamlico Water Quality Study.

A representative of the Danson's Grant Homeowners Association, 222 Billets Bridge Road, spoke in regard to the covered and piped ditch issue that is currently in violation to water quality storm water permit which has affected nine (9) Danson's Grant homeowners.

Since the drains are currently in violation of a permit, the Danson's Grant homeowners were encouraged to ask the developer to seek an amendment from the Division of Water Quality, and then, once the matter is resolved, NCDOT can take over the road to be state maintained.

Growth Issues

An adequate public facilities ordinance was discussed with legal counsel. A public hearing will be set and aggressive advertisement was discussed.

Adjournment

Commissioner Melvin Jeralds made a motion to adjourn the meeting. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The work session adjourned at 9:41 p.m.

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus
Clerk to the Board